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Legal Representation

Los Angeles Co.

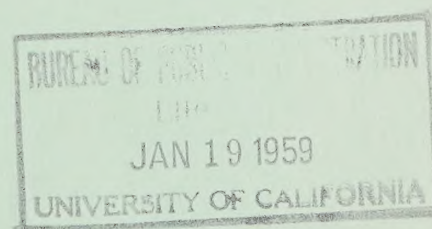
ANNUAL REPORT

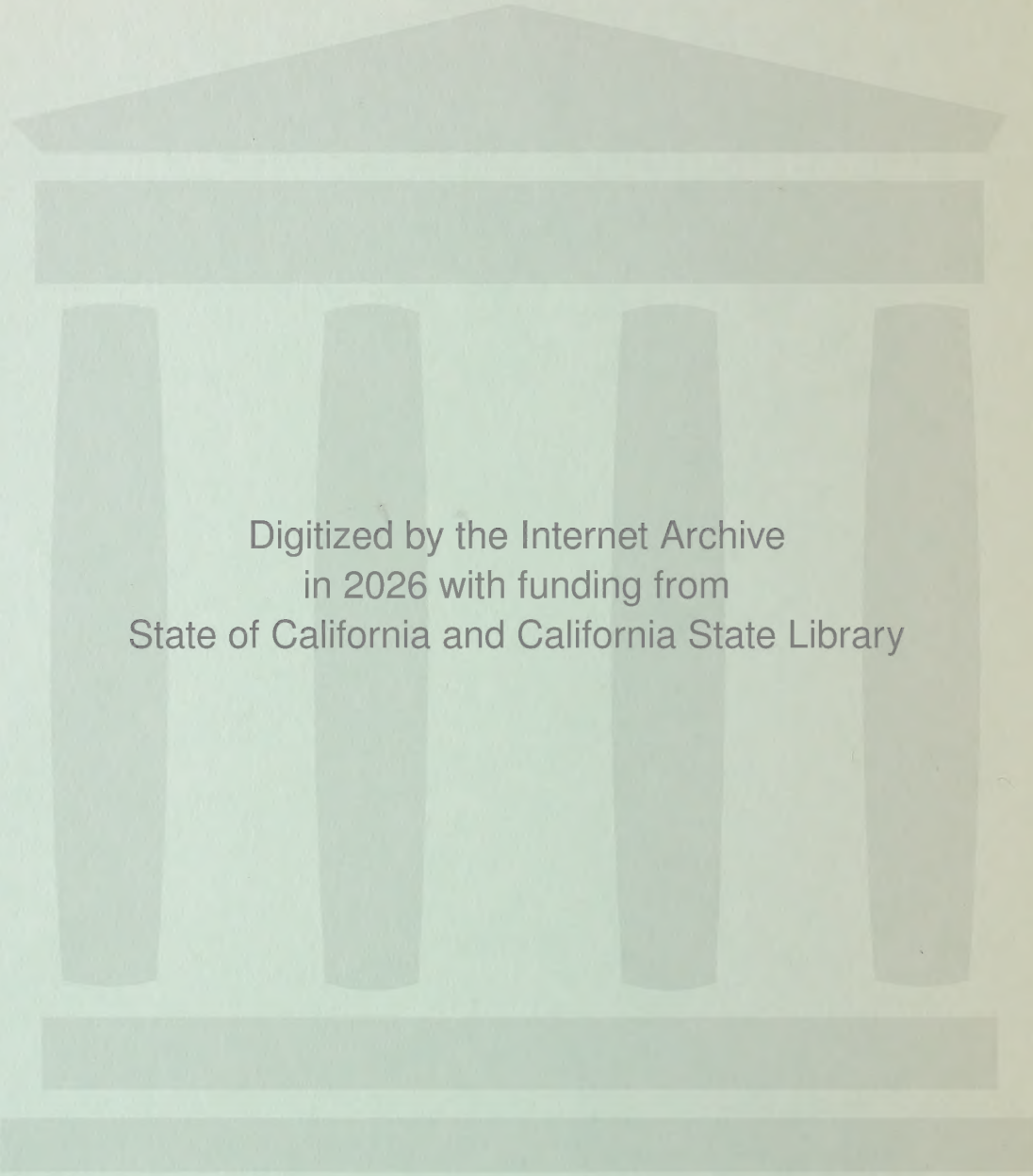
PUBLIC DEFENDER OF LOS ANGELES COUNTY

ELLERY E. CUFF

PUBLIC DEFENDER

July 1, 1957 to June 30, 1958





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ANNUAL REPORT FOR THE FISCAL YEAR 1957-58

LOS ANGELES COUNTY PUBLIC DEFENDER

The office of the Public Defender of the County of Los Angeles serves nearly five and three-quarter million people. The population is steadily increasing, thus bringing additional work. The work load does not uniformly parallel the population as it increases from month to month, or even year to year, but over the years does follow the population trend. Including all items, preliminary hearings, violation of probation hearings, sex psychopath hearings, etc., the figures for the following fiscal years will illustrate the intake of work in the criminal division:

1951-52	-	4,786	cases
1952-53	-	5,857	"
1953-54	-	8,268	"
1954-55	-	8,285	"
1955-56	-	8,837	"
1956-57	-	10,878	"
1957-58	-	14,280	" (period covered in current report)

The term "cases" as used herein is applied much as one would expect in a private attorney's office. Having been appointed (or otherwise brought in) to represent a defendant, it is denoted as "one case" through to termination, even though it may entail many interviews and numerous court appearances.

From the foregoing figures it appears the increase from 1951-52 to 1952-53 was not startling but pretty much to be expected as related to population increase. Then from 1952-53 to 1953-54 there was a sharp upsurge, some of which can be accounted for because of the added duty of handling preliminary hearings. The following year, 1954-55, shows an almost imperceptible increase. Nor was the next year, 1955-56, more than to be expected, but during the past two years, 1956-57 and 1957-58, the rise has been rapid.

Percentagewise, as related to the number of criminal cases filed, it is believed the ratio of cases handled by the office remains about the same as in former years.

We are informed that the total number of felony complaints filed in Los Angeles County for 1957-58 was 17,420. Many of these terminated at the preliminary hearing level either by dismissals or pleas of guilty.

In the superior court there were filed:

Informations	13,624
Indictments	<u>433</u>
Total	14,057

There were 85 cases which, for legal reasons, the Public Defender could not represent and the court appointed private counsel under Section 987a of the Penal Code.

JURISDICTION AND DUTIES:

The California Government Code provides:

"Sec. 27706. The public defender shall perform the following duties:

"(a) Upon request of the defendant or upon order of the court, he shall defend, without expense to the defendant, any person who is not financially able to employ counsel and who is charged with the commission of any contempt or offense triable in the superior court at all stages of the proceedings, including the preliminary examination. The public defender shall, upon request, give counsel and advice to such person about any charge against him upon which the public defender is conducting the defense, and shall prosecute all appeals to a higher court or courts of any person who has been convicted, where, in his opinion, the appeal will or might reasonably be expected to result in the reversal or modification of the judgment of conviction.

"(b) Upon request, he shall prosecute actions for the collection of wages and other demands of any person who is not financially able to employ counsel, where the sum involved does not exceed one hundred dollars (\$100), and where, in the judgment of the public defender, the claim is valid and enforceable in the courts.

"(c) Upon request, he shall defend any person who is not financially able to employ counsel in any civil litigation in which, in the judgment of the public defender, the person is being persecuted or unjustly harassed.

"(d) Upon order of the court, he shall represent any person who is not financially able to employ counsel in proceedings under Chapter 4 of Part 1 of Division 6 of the Welfare and Institutions Code." (Sec. 5511 - Sex Psychopaths.)

Section 5054 of the Welfare and Institutions Code provides:

"The alleged mentally ill person shall be present at the hearing, and if he has no attorney, ... the judge may order the county public defender to represent him at the hearing if he determines the person is not financially able to employ counsel."

State law also provides that the public defender represent persons who seek a pardon and restoration of civil rights through rehabilitation proceedings, who have been convicted of a felony and served a term of imprisonment therefor. (Sec. 4852.08, Penal Code.)

PERSONNEL:

The office, at the start of the fiscal year embraced the Public Defender, Chief Deputy and twenty-seven Deputies. Because of the upsurge in the case load soon after the fiscal year began, it was necessary to employ four additional Deputies. All but three of the Deputies are assigned to the handling of criminal cases. Those three Deputies are assigned to matters embraced within the civil jurisdiction of the office.

The office has an investigation staff of six--one Lieutenant and five Investigators. The clerical staff consists of one Senior Secretary, one Intermediate Secretary, three Legal Secretaries, one Intermediate Stenographer and one Stenographer.

LOCATION:

The main office of the Public Defender is located in the Hall of Justice, in the Civic Center of Los Angeles. A branch office is maintained in Long Beach to serve the people and the departments of the superior court in the southern part of the county. The Long Beach office is staffed with two Deputies and one Legal Secretary. The criminal departments of the superior court functioning in Pasadena, Pomona and Santa Monica are served by Deputies working out of the main office.

However, owing to the increase of work in those areas, preparations are under way to establish a branch office at Santa Monica and the same consideration will be given Pomona in the near future.

FUNCTIONS:

The work as it relates to the criminal phase-- preliminary examinations, arraignments, pleas, trials, probation hearings, violation of probation hearings, and modifications of probation, appeals, etc.--seems to be pretty well known.

As to the functions of the office in the civil division, this is the less spectacular phase of the work but nonetheless it is important both from the viewpoint as to the rights of the individual involved and indirectly as it affects county government expenditures. The greater portion of the accepted cases involve the release of wages from attachment. Releasing the wages, which may be wrongfully attached, of the head of a family otherwise destitute helps the family and frequently keeps them from being forced to apply for assistance from the county or from some charitable institution.

The office exercises extreme care that none but those properly eligible for legal assistance are accepted. Those who are not eligible are referred to some other proper agency or to private attorneys.

INVESTIGATORS:

The work of the investigation staff is confined almost exclusively to the criminal jurisdiction of the office. The Investigators' duties are comparable to those of investigators in any private law office or the District Attorney's office--locating witnesses and making field investigations of cases assigned to them by the trial deputies. The policy of the office is to investigate thoroughly and ascertain the true facts, regardless of whether it proves favorable or unfavorable to the accused. This phase of the work of the office has resulted in substantial economy which is reflected by the number of dismissals. In many instances unimpeachable evidence was discovered showing the complete innocence of the defendants although at first the evidence appeared strong against them. On the other hand, the facts brought to light by the same type of investigation have been instrumental in bringing about a substantial number of pleas of guilty in proper cases. But it should be borne in mind the purpose of the office is not to obtain a record of guilty pleas but rather to insure, insofar as possible, the prevention of miscarriages of justice, to protect innocent persons from being erroneously convicted, and to insure that no one is in greater danger of being unjustly dealt with because of his indigency.

In the following statistical data it will be noticed the term "Master Calendar Department" is used. To avoid confusion, this term perhaps merits a brief explanation. In the central Los Angeles area there are eight superior court departments devoted to handling criminal cases exclusively. (This does not include the outlying branch courts.) One of these courts is designated the "Master Calendar" and all arraignments of felony cases first appear here. If on arraignment the defendant pleads guilty, the matter will be handled through to termination in the Master Calendar Department. If, on the other hand, the defendant pleads not guilty, the case is transferred to one of the other seven departments, which are designated "Trial Departments".

In the areas served by branch courts--Long Beach, Santa Monica and Pasadena--where more than one department is in operation, a similar setup prevails, i.e., all arraignments initially appear in a Master Calendar Department in their respective areas.

COMPOSITE STATISTICAL RECORD
OF CRIMINAL WORK OF OFFICE
July 1, 1957 to June 30, 1958

NUMBER OF NEW CASES RECEIVED

	<u>LOS ANGELES</u>	<u>PASADENA</u>	<u>POMONA</u>	<u>SANTA MONICA</u>	<u>LONG BEACH</u>	<u>TOTAL</u>
Felonies	6,193	338	369	475	689	8,064
Contributing	52					52
Civil Insanity	151					151
Violations of						
Probation	834	32	44	67	157	1,134
*Miscellaneous						
Proceedings	601	8	9	12	29	659
Preliminary						
Hearings	<u>4,220</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u>4,220</u>
	12,051	378	422	554	875	14,280

*Detail of Miscellaneous Proceedings:

Sex psychopaths	111				4	115
Sex psychopaths						
returned	43	5	5	4	13	70
Present sanity	51					51
Civil insanity						
petitions	308					308
Psychopath delin-						
quent minor	2					2
Juvenile petitions	11				1	12
Probation and						
sentence	21	2		6	1	30
Habeas corpus writ	1					1
Youth Authority						
dismissal	22				1	23
Modification of						
probation	22		3	2	8	35
Contempt	1	1			1	3
Motion	4		1			5
Miscellaneous	<u>4</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u>4</u>
	601	8	9	12	29	659

COMPOSITE STATISTICAL RECORD
OF CRIMINAL WORK OF OFFICE
July 1, 1957 to June 30, 1958

(continued)

REHABILITATION PROCEEDINGS (all courts):	
Initiated	104
(This pertains to new cases opened, some of which (because of peculiar legal requirement) will have to be kept open and carried for eight years or more.)	
UNFINISHED CASES (all courts):	
Pending 7-1-57 and finished during current year	980
UNFINISHED CASES (all courts):	
Pending 6-30-58	1,244
APPEALS	4
DEFENSE OF APPEALS BY PLAINTIFF	5
WRIT OF PROHIBITION	1
Number of people interviewed in office on criminal matters	5,621

SUMMARY OF DISPOSITIONS OF CRIMINAL CASES

July 1, 1957 to June 30, 1958

MASTER CALENDAR DISPOSITIONS (no trial):

Pleaded guilty	4,082	
(Substituted out after plea - 50)		
Substituted out before plea	299	
Dismissed	230	
Transferred to Juvenile Court	15	
Placed off calendar because:		
Presently insane	5	
Civil insanity petition filed	6	
Defendants unavailable -		
bench warrants issued	6	
Account of other case and other reason	<u>5</u>	4,648

TRIAL COURT DISPOSITIONS (no trial):

Pleaded guilty	800	
(Substituted out after plea - 7)		
Substituted out (private attorney		
procured or in pro. per.)	362	
Dismissed	125	
Transferred to Juvenile Court	8	
Off calendar because:		
Presently insane	12	
Civil insanity petition filed	4	
Defendants unavailable -		
bench warrants issued	7	
Account of other case and other reason	<u>6</u>	1,324

TRIAL BY JURY - TO VERDICT (jury cases):

228

TRIAL BY COURT - TO DECISION (without jury):

1,632

VIOLATIONS OF PROBATION:

Probation revoked	558	
Probation reinstated	508	
Substitutions	29	
Sex psychopaths	2	
Off calendar because:		
Defendants unavailable -		
bench warrants issued	<u>11</u>	1,108

PRELIMINARY HEARINGS:

Held to answer	3,027	
Transferred to Juvenile Court	6	
Pleaded guilty to misdemeanor	288	
Substitutions	658	
Dismissed or otherwise disposed of	219	
Off calendar - defendants unavailable -		
bench warrants issued	<u>22</u>	4,220

SUMMARY OF DISPOSITIONS OF CRIMINAL CASES

July 1, 1957 to June 30, 1958

(continued)

CONTRIBUTING TO DELINQUENCY OF MINOR CASES:

Pleaded guilty	19	
Substitutions	12	
Trials by court - no jury	2	
Dismissed or placed off calendar	<u>26</u>	59

CIVIL INSANITY PETITIONS		305
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MISCELLANEOUS PROCEEDINGS:

Petitions to modify probation:		
Granted	36	
Denied	<u>2</u>	38

Probation and sentence hearings only		29
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Youth Authority dismissals		26
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Juvenile petitions, motions and miscellaneous hearings		24
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Present sanity - certified from municipal court:		
Trials	49	
Substitutions	<u>3</u>	52

Sex psychopath - original hearings		113
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Sex psychopaths - returned from state hospital for sentence or other disposition		68
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Rehabilitation proceedings:		
Granted	8	
Denied	-	
Closed for various reasons - moved, dead, abandoned, etc.	<u>23</u>	31

Civil insanity - trials:		
Jury	46	
Non-jury (jury waived)	84	
Substitutions	7	
Dismissed	<u>2</u>	139

CIVIL JURISDICTION
July 1, 1957 to June 30, 1958

Applications in which advice was given:		
Los Angeles	6,121	
Long Beach	<u>903</u>	7,024
Applications rejected:		
Refused:		
Los Angeles	359	
Long Beach	<u>59</u>	418
Referred to attorneys:		
Los Angeles	2,952	
Long Beach	<u>92</u>	3,044
*Applications referred to other agencies and unclassified:		
Los Angeles	2,974	
Long Beach	<u>139</u>	3,113
Accepted cases (see next table):		
Los Angeles	2,224	
Long Beach	<u>251</u>	2,475

*Because the subject matter was not within the office jurisdiction; applicants not interviewed as no deputy available.

DETAIL OF ACCEPTED CASES

Illegal attachments - garnishments:		
Los Angeles	1,354	
Long Beach	<u>227</u>	1,581
Wage claims and miscellaneous:		
Los Angeles	316	
Long Beach	<u>24</u>	340
Persecutions - other than exemptions and invalid assignments:		
Los Angeles	47	
Long Beach	<u>-</u>	47
Guardianships:		
Los Angeles	245	
Long Beach	<u>-</u>	245
Waivers of premarital test:		
Los Angeles	262	
Long Beach	<u>-</u>	<u>262</u>

CIVIL JURISDICTION
July 1, 1957 to June 30, 1958

(continued)

Wages released from illegal
attachments - garnishments:

Los Angeles	\$69,359.96	
Long Beach	<u>10,384.75</u>	\$79,744.71

Defense in civil cases:

Los Angeles	\$ 2,569.34	
Long Beach	<u>-</u>	2,569.34

Miscellaneous items:

Los Angeles	\$ 9,450.47	
Long Beach	<u>-</u>	9,450.47

Collected on cases pending 7-1-57

<u>14,071.65</u>
\$105,836.17

Appearances in court on civil cases

768

INVESTIGATION DIVISION
July 1, 1957 to June 30, 1958

	<u>1956-57</u>	<u>1957-58</u>
Items assigned to investigation	2,350	1,930
Actual field investigations	751	1,046

Note: Due to a sudden and heavy increase in field investigations about the middle of the fiscal year 1957-58, a change was made in the method of recording statistics. Previously an investigation number was assigned to each separate matter coming into the investigation division. It was found through experience that this did not reveal a true figure as to the actual amount of field investigation involved. About December 1, 1957, the only items counted statistically were the actual field investigations requiring an investigator to leave the office. On this basis it will be noted that there was an increase of 295 cases or 28.5%. Henceforth, only the latter items will be counted as far as indicating the working case load inasmuch as there is usually an investigator in the office available to handle matters on short notice within the office without necessitating the actual opening of an investigation.

Persons interviewed in field investigations	11,116
Subpoenaed at time of interview	416

This represents a substantial increase over the previous year.

INVESTIGATION DIVISION

(continued)

CHARGES INVESTIGATED

Robbery	148	Kidnap/Robbery	12
Att. Robbery	11	Abortion	2
Murder	38	Corporate Securities	2
Att. Murder	3	Perjury	2
Grand Theft	88	286 P.C.	4
Grand Theft/Person	47	Pimping	1
Att. Grand Theft	15	Narcotics	338
Petty Theft	23	Forgery	322
Burglary	309	Checks NSF	167
Att. Burglary	9	Receiving stolen property	9
Burglary/Grand Theft	17	Escape	12
Manslaughter	11	ADW/Murder	26
Assault/Deadly Weapon	84	501 V.C.	27
Assault/Force	11	480 V.C.	21
Assault/GBI	7	503 V.C.	47
Assault/Rape	7	273d P.C.	5
Rape	63	Miscellaneous	24
Att. Rape	17	Civil	24
288 and 288a P.C.	101	Arson	9
Contrib. to del. minor	5	Bookmaking	2
Kidnap	6	Violation of probation	18
		Extortion	3
		TOTAL CHARGES INVESTIGATED	1,930

FINANCIAL REPORT
OF
PUBLIC DEFENDER OF LOS ANGELES COUNTY

July 1, 1957 to June 30, 1958

MONEYS RECEIVED

Total amount of moneys collected and received for
and on behalf of the persons represented by the
Public Defender under the law. Said moneys were
collected from claimants for costs and from def-
endants indebted to said persons so represented: \$965.57

MONEYS EXPENDED

Total Salaries		\$398,049.64
Total Maintenance & Operation		15,011.07
Total Outlay Expenditures:		
Books	\$ 231.21	
Furniture & Furnishings	<u>2,689.61</u>	<u>2,920.82</u>
		\$415,981.53



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